



# AN ACT

## Respecting Marriages in the Colony of Vancouver Island and its Dependencies.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of the Colony of Vancouver Island and its Dependencies, enacts as follows :

### *Ministers of any Denomination may solemnize Marriage.*

I. The Ministers and Clergymen of every Church and religious denomination in the Colony of Vancouver Island and its Dependencies, ordained or appointed according to the rites and ceremonies of the Church or denomination to which they belong, may solemnize the ceremony of Marriage according to the rites and usages of such Church or denomination between any two persons not under a legal disqualification to contract such Marriage.

### *No Minister to solemnize Marriage unless authorized by Licence, or after publication of Bans.*

II. But no Minister or Clergyman shall celebrate the ceremony of Marriage between any two persons unless duly authorized by Licence under the hand and seal of the Governor to celebrate the ceremony between such two persons, or if not so

authorized, then unless the intention of the two persons to intermarry has been proclaimed openly and in an audible voice in the Church, Chapel, Meeting House or place of public worship of the congregation or religious community with which the Minister or Clergyman is connected, on three several Sundays immediately before the service began or immediately after it ends, or at some intermediate part of the service ; together with the number of such proclamation, as being the first, second or third time of asking.

### *No valid objection as to Church or Chapel, &c.*

III. It shall be no valid objection to the legality of a Marriage that the same was not solemnized in a consecrated Church or Chapel, or within any particular hours.

### *Ministers marrying must give Certificate if required. Fee for Certificate.*

IV. Every Clergyman or Minister who celebrates a Marriage in the Colony of Vancouver Island and its Dependencies, shall, if required at the time of the Marriage by either of the parties thereto, give



*Registrar's Fees for Copies.*

VII. On receipt by the Registrar or Colonial Secretary of any such list, he shall file the same among the papers of his office, and record the same in a book to be kept by him for the purpose ; and in case of the death or absence of the witnesses to a Marriage, such Register, or a certified copy thereof, shall be sufficient evidence of the Marriage ; and the Registrar shall give a certified copy of a Marriage Record to any person demanding the same, on payment of Five Shillings.

*Ministers' Fees.*

VIII. Every Clergyman or Minister, before solemnizing a Marriage, may demand from either of the parties thereto, the sum of Twenty Shillings, to enable him to pay the sum to be paid or transmitted by him to the Registrar or Colonial Secretary, and to remunerate the Clergyman or Minister for the trouble and expense attendant on preparing and transmitting such certified list to the Registrar or Colonial Secretary.

IX. But nothing in this Act shall prevent the payment to the Clergyman or Minister of any further remuneration the parties choose to make.

*In case of death or removal, Minister's successor to make return to the Registrar.*

X. In case of the death or the removal of a Minister or Clergyman before making his annual return, his successor, or any other person having the legal custody of the book referred to in the fifth section, shall return to the Registrar or Colonial Secretary a certified copy of all Marriages therein recorded, and the Registrar or Colonial Secretary shall record the same respectively as if the return had been

made by the Minister or Clergyman who celebrated the Marriages.

*Quaker's Marriage declared valid.*

XI. Every Marriage duly solemnized according to the rites and usages of the Religious Society of Friends commonly called Quakers, shall be valid ; and the duties imposed by this Act upon a Minister and Clergyman, shall, with regard to such Marriage, be performed by the Clerk or Secretary of the Society or of the Meeting at which the Marriage was solemnized.

*Fines for neglecting to return certified Lists.*

XII. Every Clergyman, Minister, Clerk, Secretary or other person, who refuses or neglects to return the certified List required of him by this Act, on or before the first day of February, shall forfeit for every day's delay after that day the sum of One Pound, which sum shall be recoverable with costs before any Magistrate of the District or County in which the person resides, and shall be applied according to law.

*Clerks of the Peace to furnish books and printed forms at the expense of the County or District.*

XIII. The Clerk of the Peace of every County shall, at the expense of the County, from time to time on demand furnish all Clergymen or Ministers and others in the District or County required by this Act to make returns, with the books to be kept, and with printed blank forms for the lists to be returned ; and such books shall have columns and headings printed on every page according to the form given in the sixth section ; and the books and forms shall be of such size and form as to admit of the necessary entries being conveniently made therein.

*Said Books, &c., to be the property of the Church to which Clergyman belongs.*

XIV. The book, by whomsoever furnished, shall be the property of the Church or denomination to which the Clergyman or Minister belongs at the time of the Marriage which he first records therein.

*Colonial Secretary in absence of Clerk of the Peace to perform duties.*

XV. That until the said Colony shall have been formed and divided into Counties, and in the absence of any Clerk of the Peace therefor, or of any other officer required by this Act to comply with its provisions, the Colonial Secretary of the Colony for the time being shall exercise and perform the duties required of and

imposed upon such Clerk of the Peace and other officers by this Act.

Passed the House of Assembly the 26th day of May, 1859. ✓

JOSEPH PORTER,  
Clerk of the House of Assembly.

Passed the Council the 14th day of April, 1859. Amendments of the House of Assembly agreed to the 5th day of September, 1859.

E. CRIDGE,  
Hon. Secretary to the Council.

Received my assent this 5th day of September, A. D. 1859.

JAMES DOUGLAS.